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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,512	12/05/2003	Keihiro Kurakata	B984-071	2386

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EXAMINER	
HSU, AMY R	

ART UNIT	PAPER NUMBER
2622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/729,512	KURAKATA, KEIHIRO	
	Examiner	Art Unit	
	AMY HSU	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19,21 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19,21 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/10/2008 has been entered.

Response to Arguments

2. Applicant's arguments filed 4/10/2008 have been fully considered but they are not persuasive.

Regarding applicant's arguments with respect to claims 1, 11, 21, and 22, the applicant argues that Suga et al. (US 6313875) does not teach the communication device transmits and receives the recorded image data *with* a predetermined unique information for identifying the image pickup apparatus which records the recorded image data. Examiner maintains that the reference used in the final rejection still anticipates the claims as amended. Suga teaches in Fig. 1 a network of apparatuses that transmit and receive image data from one another. Given several apparatuses connected by a network (*reference number 16),* it is inherent that when a packet is received by an apparatus, the packet will have information identifying where it came from. In Fig .1, the information identifying where the image came from does indicate the camera the image comes from, otherwise there is no way the apparatus can label

camera B-1 with an image from camera B-1. Therefore Suga still anticipates the claims as amended.

Regarding applicant's amendment to add "the common window" in Claims 1, 11, 21, and 22, examiner maintains that the final rejection's reference, Suga, still teaches the claims as amended because the entire Fig. 5 in Suga is showing a common window. Fig. 5 teaches applicant's limitation, "...display on the common window the image data received by ... plurality of image pickup apparatuses and the image data recorded by said recording device in different display configuration...". Fig. 5 shows several different images from different image pickup apparatuses in different display configuration, meaning each display of another image is in a certain configuration with respect to the entire monitor (i.e. upper right, lower right, upper left, etc.). However, it is a common window that displays all the images from the plurality of image pickup apparatuses. Applicant argues that in Suga, each of the received images from different cameras is individually controlled, however that does not take away from the fact that the entire Fig. 5 is a common window. In the same way as an email application, there is an area for a list of items in the inbox and an area for viewing an entire message. Each can be considered windows and each is individually controlled by the user, however both are parts of an email application within the common window. When the user closes their email application, all the windows including the inbox and the new mail composition box will close altogether because they are within a common window since it is one application or program.

Claim Rejections - 35 USC § 102(b).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Suga et al (US 6,313,875).

Regarding Claims 1 and 11, Suga teaches an image pickup apparatus (*Fig. 1 Station A)* and method of controlling the same, comprising: an image pickup device (*Fig. 2 reference number 105)*; a recording device that records image data photographed by said image pickup device (*Fig. 2 reference number 108 and Col 4 Lines 61-62)*; a display device that displays the image data recorded by said recording device (*Fig. 2 reference number 126 and Col 5 Lines 35-36)*; a communication device that is connectable to a plurality of image pickup apparatuses (*Fig. 2 reference numbers 116 and 125)*, for transmitting and receiving the recorded image data *(Col 5 Lines 16-21 and Col 5 Lines 59-62*) with a predetermined unique information for identifying the image pickup apparatus which records the recorded image data; (*Fig. 1 shows the apparatuses connected by a network, it is inherent that packets received indicate the location of where it came from or an ID, in this case the name of the camera is able to be associated with incoming image data. The only way this could be achieved is that the image data indicates the id of the camera it came from)* and a control device (*Fig. 2*

reference number 122) that provides control to cause said display device to display the image data received by said communication device from respective ones of the plurality of image pickup apparatuses and the image data recorded by said recording device, on a common window in a display screen on said display device (*Fig. 5 shows a common window on a display screen that displays the various images)* wherein said control device provides control to cause said display device to display on the common window the image data received by said communication device from respective ones of the plurality of image pickup apparatuses and the image data recorded by said recording device in different display configuration, respectively, according to the predetermined unique information (*Fig. 1 shows Station A's display showing images from Station A, or its own recording device to be on the left side configuration as opposed to image data received from other devices on the center and right side configurations)*, in a manner such that the image data received by said communication device from respective ones of the plurality of image pickup apparatuses and the image data recorded by said recording device can be distinguished from one another (*Images on the left are easily distinguishable from images in the center/right configurations).*

Regarding Claims 3 and 13, Suga teaches an image pickup apparatus according to claim 1 and method of controlling the same, wherein said control device provides control to cause said display device to display the image data received by said communication device from respective ones of the plurality of image pickup apparatuses and the image data recorded by said recording device, with icons different

from each other added thereto (*Fig. 5 shows icons on the title bar of each image, different from each other for each image which corresponds to the name identifying the camera the image came from*. Specifically, the alphanumeric symbols such as A-1 are icons, or symbols).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, 12, 21, and 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suga et al (US 6,313,875).

Regarding Claims 2 and 12, Suga teaches an image pickup apparatus according to claim 1 and method of controlling the same, wherein said control device provides control to cause said display device to display the image data received by said communication device from respective ones of the plurality of image pickup apparatuses and the image data recorded by said recording device, with frames of respective different colors added thereto.

Although Suga fails to specifically teach the color of the frame to distinguish the various image pickup apparatuses, Suga does teach using an alphanumeric label or icon in the frame (i.e. input A-X or B-X in Fig. 1 and 5) to distinguish which image pickup apparatus the image came from. Thus Suga has shown that it is well known

and necessary to clearly display to the user which input device supplies which picture. Since the functionality of the inventive concept is shown in Suga, it would have been obvious to one of ordinary skill in the art at the time of the invention to use another distinguishing feature, such as a color border to allow users to greater express their creativity or artistic personality. Moreover, the patentability of such non-functional descriptive material is considered obvious since it lacks criticality to the inventive concept. For example, the use of "A", "B", and "C" versus the use of "1", "2", "3", or the use of striped, solid, and polka dot borders versus the use of blue, green, and chartreuse colored borders to represent the various image pickup device inputs, will not modify the inventive concept.

Regarding Claims 21 and 22, it would have been obvious to one of ordinary skill in the art to modify the teachings of Suga to the form of a computer readable program and storage medium storing computer readable program. Suga teaches all the claim limitations of the control program.

6. Claims 4-6, 9-10,14-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suga et al. (US 6,313,875) in view of Enright et al. (US 6,583,813).

Regarding Claims 4-5, and 14-15, Suga teaches an image pickup apparatus according to claim 1 and method of controlling the same, wherein said control device provides control to cause said display device to display images from the various connected image pickup devices. Suga fails to teach the manipulation and selection of the inputted images.

Enright teaches a network of cameras where the collective inputs can be manipulated and selected on a main display (*Fig. 61 and 62).* From the display, the user can select image data out of the collective inputted image data. Fig. 61 box number 3 shows a user interface where the user can select for example all images taken in response to an alarm trigger. This allows the user to select only the images he wants to display (*Col 54 Lines 66-67 through Col 55 Line 7 and Col 55 Lines 31-33).* The user is also capable of displaying only image data photographed by a same image pickup apparatus as seen in Fig. 61 box number 2. For example in box 2, the user can select Camera #1 and display images taken by Camera #1 only. See Col 55 Lines 33-36 for general case.

Since Suga is silent on details of manipulation and selection of the collective image data inputted by the various image pickup devices, one would look to prior art for such details, such as the teachings of Enright. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Suga by adding the features of selection and manipulation taught by Enright because it would allow practical functionality and optimize range of user customizations when dealing with storage and display of inputted images from a number of cameras

.

Regarding Claims 6, 9, 16, and 19, Suga teaches an image pickup apparatus according to claim 1 and method of controlling the same, comprising an image number allotting device that allots an identifying symbol corresponding to teach input image pickup device, and displays one image per pickup device in Fig. 5, but fails to show a

unique number from the number allotting device or system control when more than one image is displayed.

Enright teaches each image with an image number for identifying image data to the photographed image data as seen in Fig. 68 an image number is displayed as part of a file name with a .jpg extension.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the number allotting device taught by Suga to not only allot a number on each image corresponding to the input device it came from, but to use the teaching of Enright to allow the number allotting device to also allot a unique number for each image and save it as the file name.

Regarding Claims 10 and 20, Suga teaches an image pickup apparatus according to claim 6 and method of controlling the same but fails to teach the limitations of Claim 10.

Enright teaches a system where multiple surveillance cameras input image data to a main apparatus. Fig. 68 shows an image that is received from a surveillance camera and recorded to the main apparatus where only one, or the same, image number has been allotted to the received and recorded image of Fig. 68. Fig. 71 shows a control panel to control the control hardware, or device, which provides control to compare the photographed times as seen below the images in Fig. 71.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Suga with the teaching of Enright by allowing the

control to device to compare the photographed times of the recorded and received images, because it would help the user organize and manage images as well as be able to correspond images with time reference for various data organization and analysis purposes.

7. Claims 7,8,10,17,18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suga et al. (US 6,313,875) in view of Enright et al. (US 6,583,813), further in view of Hatanaka (US 6438320)

Regarding Claims 7,8, 17, and 18, Suga in view of Enright teaches an image pickup apparatus according to claim 6 and method of controlling the same, but fails to teach the limitations of Claim 7 wherein said control device is operable when image data is received after the image number has been allotted, to provide control to cause said image number allotting device to allot an image number different from the image number allotted to the received image data and then record the received image data. Since Suga is silent on handling and management of image numbers allotted to the input devices versus the image numbers to be allotted by the main apparatus of Claim 1, the problem arises that the same image number could be allotted to two different images from two different input devices being inputted into the main apparatus of Claim 1. One of ordinary skill in the art would look to prior art for details regarding the stated problem.

Hatanaka teaches a file management system for managing images by assigning an image name, which will prevent the same image or file name from being assigned twice. Hatanaka teaches that it is well known in the art that two files of the same name, where files correspond to the image number, can exist when recording images from an electronic camera to another apparatus with a recording medium (*Col 1 Lines 20-24).* Hatanaka further teaches that when an image is transferred from an electronic camera to the destination apparatus which records it, a file with the same name could already exist and this apparatus with recording medium will cause the image number, or file name, to be changed. In this example this is accomplished via user prompt and input (*Col 1 Lines 29-36).* Hatanaka therefore teaches that it is well known in the art for an apparatus with recording medium which receives image data from electronic cameras to have the capability of causing the image to be recorded to have a different image number than the incoming image number of the image photographed from the input camera device.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Suga in view of Enright with the teaching of Hatanaka to allow the control device to provide control to cause the image number allotting device to allot an image number different than the photographed received image because this would catch and prevent two different images with the same file name from two different input devices from being stored in the main apparatus of Claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMY HSU whose telephone number is (571)270-3012. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Ho can be reached on 571-272-7365. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan V Ho/
Primary Examiner, Art Unit 2622

ARH 5/26/08